

Remarks/Arguments:

Claims 1-42 stand rejected.

Claim 43 is newly added.

Oath/Declaration:

The Office Action states that the Declaration is defective, because it does not include the inventors' signature. Applicants respectfully submit that a Declaration, signed by all the inventors, was filed in the PTO on October 18, 2001 (see enclosed time stamped postcard). Another copy of the previously filed Declaration is attached to this Response.

Section 101 Rejections:

Claims 1-39 and 42 have been rejected, because the claimed invention is directed to non-statutory subject matter. To overcome this rejection, the Examiner recommended that the applicants amend the claims to better clarify which of the steps are performed within the technological arts.

Applicants have now amended the claims, so that they more clearly recite steps performed within the technological arts. For example, claim 1 has been amended to recite that the method is performed by a **computer**. Step (a) of claim 1 recites that the received earth imagery metadata is **stored in a plurality of databases**. Step (b) of claim 1 recites that the earth imagery metadata is overlayed on a mapping application **for display on a user's computer display**. Step (c) of claim 1 recites that the user interacts over a **network channel** with the mapping application by locating a geographical area on **the user's computer display**. Step (e) of claim 1 recites that the transmission of data strings is performed over the network channel. Furthermore, step (f) recites that the user views geographical data **on his computer display and dynamically selects a graphical area on his computer display**.

Claim 42 has similarly been amended, so that it recites steps performed within the technological arts.

Reconsideration is respectfully requested.

Section 102/103 Rejections:

Independent claims 1 and 42 have been rejected as being anticipated by a website (Digital Globe). Applicants respectfully submit that this rejection is overcome for the reasons set forth below.

Amended claim 1 now includes features which are not suggested by the cited reference, namely:

- (c) interacting, by a user, over a network channel with the mapping application, **including locating a geographical area on a computer display** via the mapping application, and **selecting** via an on-line, interactive man-machine interface a **desired geospatial area represented by user defined polygons**;

- wherein interacting via the on-line, interactive man-machine interface includes
 - (i) **viewing**, by the user, geographic data on a computer display, including **a map**,
 - (ii) **locating, by the user, a spatial location on the map**, and
 - (iii) **dynamically selecting, by the user, a geographical area, including the spatial location, enclosed by a user defined polygon, providing substantially limitless size and shape variability.**

Basis for amended claim 1 may be found, for example, in the specification, at page 10, line 20 to page 11, line 25. As described, the on-line, interactive man-machine interface provides a visually active experience including locating a geographical area, via a map application, and selecting the desired geospatial area for earth imagery content. The selection by the user may include red lines outlining multi-vector points of **the user defined polygon**. The user may **dynamically select a desired geographical area in user-defined polygon format**, which includes mouse interaction with the map on the display **to draw a polygon around a geospatial area**. **The polygon may be drawn, without limitation to a center point location, or without limitation to the number of corner points in the polygon**. **The invention, thereby, advantageously allows substantially limitless size and shape variability to the polygon drawn by the user.**

Digital Globe discloses a method for offering for purchase earth imagery content. Digital Globe provides **pre-formed products, or pre-acquired images**. As discussed at page 65 (pages numbered by the Examiner), imagery is available to the user in raw form, which includes an assessment of basic image quality for a range of user-specified data; derivative products are also available. In addition, image mosaics are available for purchase, including elevation models and other **pre-acquired images**.

Applicants submit that the products offered by Digital Globe are pre-formed products. The user may only select a product as offered by Digital Globe. This is similar to a user **selecting from a catalog** including a plurality of products. The user, however, **cannot** interact dynamically with a mapping application on his computer display and **draw a polygon around a selected geographical space**. Furthermore, Digital Globe does **not** disclose a system that allows a user to dynamically **draw a polygon on a map that has an unlimited number of shapes and sizes**.

At page 68 (as numbered by the Examiner), one of the product specifications listed by Digital Globe provides geographic coverage of any polygonal area worldwide. Applicants respectfully submit that this polygonal area is an area that has been pre-formed by Digital Globe. Digital Globe does **not** disclose **dynamically selecting, by the user, a geographical area, including the spatial location, enclosed by a user defined polygon, that provides substantially limitless size and shape variability**. Support for the proposition that Digital Globe simply offers pre-acquired products to a user may be seen at page 70 (as numbered by the Examiner). As disclosed, orders for imagery data allows the user to reserve an area of interest at certain prices. Minimum area size for tasking is 100 square kilometers. The user may task a smaller area. However, **the requestor will be charged for a minimum area size**. The area size may be a polygon, but the size of the polygon is determined by the vendor as a pre-selected product. The user **cannot dynamically select a spatial location, enclosed**

by a user defined polygon which provides substantially limitless size and shape variability.

At page 73, Digital Globe offers products, such as images, orthos, mosaics, maps, etc. The user cannot dynamically interact with these products, so that he may define an arbitrary polygon shaped-space for his particular interest.

At page 95, Digital Globe discloses that the data format is map-tiles formatted to fit USGS 7.5-minute quadrangle series of maps in either 1-meter resolution or 0.5-meter resolution. Each image tile is generated with a 300 meter maximum bounding rectangle area. Again, this is simply a pre-formed product that is offered by Digital Globe. There is **no** disclosure of **dynamically interacting** with the map on a display, by selecting a geographical location and, subsequently, **enclosing the geographical location, by a user defined polygon that provides substantially limitless size and shape variability.**

Further support that Digital Globe simply offers static, pre-formed, sized products may be seen at page 143 (numbered by the Examiner). As disclosed, customers are encouraged to work with a distributor, who provides regional support and is trained in specific products. The user is expected to work off-line (for example, by telephone) with a regional distributor familiar with the product line. A dynamic interaction between the user and the database is missing, because Digital Globe cannot offer such dynamic interaction. As also discussed at page 147, after the order is received, the distributor determines the feasibility of the requested product and then documents an estimated delivery time and confirms the order. Again, dynamic interaction between the user and the database, by way of a computer network channel, is not disclosed.

Favorable reconsideration is requested for amended claim 1. Although not the same, independent claim 42 has been amended to include features similarly to amended claim 1. Amended claim 42 is not subject to rejection in view of the cited reference for the same reasons set forth for amended claim 1.

Dependent claims 2-41 depend from amended claim 1 and are, therefore, not subject to rejection in view of the cited reference for at least the same reasons set forth for amended claim 1.

Amended Claim 20:

Claim 20, which depends from claim 17 and claim 1, now includes the following features:

- the price is **automatically** determined by a computer of the fulfillment provider, **in response to the dynamically selected polygon** on the display of the user, and
- transmitted by the fulfillment provider, by way of the network channel, for display on the display of the user.

Basis for amended claim 20 may be found, for example, in FIG. 5. As shown, after the user has selected a polygon around a specific location, the system allows the service provider to receive a data string in step 86. Decision box 96 determines whether a default product applies. Regardless of whether the user has selected a default product (a pre-formed product) or has dynamically selected a polygonal area, the system calculates and displays a price, by way of step 102. Step 104 prompts the user for payment.

Digital Globe, on the other hand, does **not** disclose **automatically** determining, by a computer of the fulfillment provider, a price, **in response to dynamically selected polygons** on the display of the user. Instead, Digital Globe requires the user to contact his regional distributor to obtain a price estimate and a delivery date (see page 147). Favorable reconsideration is requested for amended claim 20.

As disclosed by Digital Globe, at page 99, pricing for a user is based on a one meter resolution tile or a 0.5 meter resolution tile. Discounts are available with the purchase of multiple tiles. In order to actually purchase a product, a distributor must be selected by the user. As described, the price is based on a specific resolution of a tile, and is **not based on a selection by the user of an arbitrarily defined polygonal area**. As described at page 143, customers are encouraged to work with a distributor, who provides regional support and is trained in the product. The price is **not** offered automatically from the provider to the user, **free-of any intervention by a human operator at the distributing end**.

Newly Added Claim 43:

Newly added claim 43 depends from claim 42 and further recites the steps of:

- (g) **determining**, in the computer of the fulfillment provider, **a price** for the geospatial area, **in response to the polygon selected by the user** on the display of the user, and
- (h) transmitting from the fulfillment provider, by way of the network channel, the price for viewing on the display of the user, **free-of any human intervention at a location of the fulfillment provider**.

It is respectfully submitted that automatic transmitting of a price for viewing on the display of a user, **in response to polygons selected or drawn by the user**, is not disclosed by Digital Globe. Furthermore, Digital Globe does **not** disclose transmitting from the fulfillment provider, by way of the network channel, the price for viewing on the display of the user, **free-of any human intervention at a location of the fulfillment provider**.

Favorable consideration is requested for newly added claim 43.

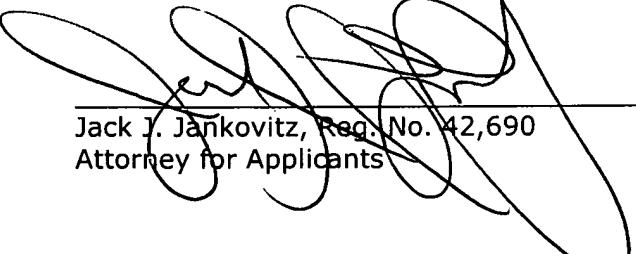
Appln. No.: 09/934,037
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Conclusion

Claims 1-42 and newly added claim 43 is in condition for allowance.

Respectfully submitted,



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Enclosure: Copy of Declaration and
Returned Post Card

Dated: March 1, 2005

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